

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SALLY ANN BENNETT,

Petitioner,

No. 04-CV-74624-DT

vs.

Hon. Gerald E. Rosen

SUSAN DAVIS,

Respondent.

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ORDER ADOPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION AND  
DISMISSING PLAINTIFF'S HABEAS CORPUS ACTION

At a session of said Court, held in  
the U.S. Courthouse, Detroit, Michigan  
on November 22, 2005

PRESENT: Honorable Gerald E. Rosen  
United States District Judge

This matter having come before the Court on the September 6, 2005 Report and Recommendation of United States Magistrate Judge Paul J. Komives recommending that the Court deny Plaintiff's petition for a writ of habeas corpus and that this case, accordingly, be dismissed; and no timely objections to the Magistrate Judge's Report and Recommendation having been filed; and the Court having reviewed the Magistrate Judge's Report and Recommendation and the Court's file of this action and having concluded that, for the reasons stated in the Report and Recommendation, Plaintiff's petition for habeas corpus relief should be denied; and the Court being otherwise fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report

and Recommendation of September 5, 2005 be, and hereby is, adopted by this Court.

IT IS FURTHER ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Plaintiff's petition for habeas corpus relief be, and hereby is DENIED and the above-captioned case, therefore, is DISMISSED.

IT IS FURTHER ORDERED that for the reasons stated in the Report and Recommendation, the Court concludes that Petitioner has not made a substantial showing of the denial of a constitutional right. Accordingly, the Court declines to issue a certificate of appealability or grant leave to proceed on appeal *in forma pauperis*. See Fed. R. App. Pro. 24(a).

s/Gerald E. Rosen  
Gerald E. Rosen  
United States District Judge

Dated: November 22, 2005

I hereby certify that a copy of the foregoing document was served upon counsel of record on November 22, 2005, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry  
Case Manager